

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES GERMALIC, Independent
Candidate for President, Pro Se,

Plaintiff,

V.

JOHN A. GAGE, Secretary of State
Lincoln, Nebraska,

Defendant.

4:08CV3223

MEMORANDUM AND ORDER

This matter is before the court on its own motion. Plaintiff filed the Complaint in this matter on October 31, 2008. (Filing No. [1](#).) Defendant was served with summons and a copy of the Complaint on October 31, 2008, and the summons was returned as executed on November 3, 2008. (Filing No. [5](#).) Defendant has not filed an answer or other responsive pleading. (*See* Docket Sheet.) It appears that Plaintiff intended to sue and serve John *Gale*, the Nebraska Secretary of State. However, Plaintiff has not done so. The Nebraska Attorney General may wish to file an appropriate motion to avoid the entry of a confusing default judgment against “John A. Gage, Secretary of State.”

IT IS THEREFORE ORDERED that:

1. The court requests that the Nebraska Attorney General review this matter and, if appropriate, file a motion no later than March 25, 2009.
2. The Clerk of the court is directed to mail a copy of this Memorandum and Order to Defendant and the Nebraska Attorney General by regular first-class mail.

3. The Clerk of the court is directed to set a pro se case management deadline in this matter with the following text: March 25, 2009: check for response from AG.

February 23, 2009.

BY THE COURT:

s/Richard G. Kopf
United States District Judge